

Remarks:

Applicant has studied the Office Action dated December 28, 2005, and has amended the claims to distinctively claim the subject matter of the invention. By virtue of this amendment, claims 1,4, 15, 21, 28, and 34-36 have been amended, and claim 20 has been canceled. No new matter has been added. Support for the new claims and the amendments is found within the specification and the drawings, particularly pages 9-11.

By the virtue of this amendment, claims 1-19 and 21-33 are pending in the application. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§102 Rejection(s):

The Examiner has rejected independent claims 1, 15 and 21 under Ardalan (USPN 6,900,737). The applicant has amended claims 1, 15 and 21 to recite a meter reading system comprising :

a meter reading unit configured for reading meterage information provided by one or more utility meters, wherein said one or more utility meters are associated with a single utility subscriber such that each utility meter measures the subscriber's usage of one type of utility from among a plurality of utilities used by the subscriber; and

a multiplexer for selecting meterage information provided by a first utility meter from among said one or more utility meters, wherein said selection is based on identification information stored in a first memory as provided in control information provided from the remote control system, wherein said identification information comprises a first identifier identifying the subscriber, and a second identifier identifying a utility type used by the subscriber;

wherein the selected meterage information is transmitted to the remote control system over the mobile communication system.

Ardalan fails to teach or suggest that the meter reading system is configured to read meterage information provided by one or more utility meters that are associated with a single

utility subscriber such that each utility meter measures the subscriber's usage of one type of utility from among a plurality of utility types used by the subscriber. In contrast, Ardalan is related to a meter reading system that reads meterage information for multiple utility subscribers without regard to the type of utility used (See col. 3, lns. 20-45).

Furthermore, Ardalan fails to teach or suggest a multiplexer for selecting meterage information provided by a first utility meter based on identification information comprising a first identifier identifying the subscriber, and a second identifier identifying a utility type used by the subscriber. Particularly, the system disclosed by Ardalan is not configured to select from output signals provided by multiple utility meters, wherein each meter is used for measuring a different "type" of utility used by the single user. Therefore, the system of Ardalan does not need to use a second identifier for identifying a utility type (See col. 3, lns. 20-45).

It is respectfully noted that anticipation of a claim under 35 U.S.C. §102 (a), (b) and (e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim" and "[t]he elements must be arranged as required by the claim." M.P.E.P. §2131. Since Ardalan fails to disclose at least one of the recited elements in the amended claims, a rejection under § 102 would be improper.

§103 Rejection(s):

Claims 4-9, 11-14, 24-29 and 31-33 are rejected under **35 U.S.C. §103(a)** as being unpatentable over Ardalan in view of USPN 6,900,737 (Froelich). The Examiner admits that Ardalan fails to teach a multiplexer as recited in the claims, but contends that it would have been obvious to combine the multiplexer of Froelich (col. 15, lns. 57-62; Fig. 9, element 131) into the system of Ardalan. This rejection is respectfully traversed in light of the amendments to the pending claims.

As claimed, the multiplexer of the present invention is for selecting meterage information provided by a first utility meter from among one or more utility meters, wherein said selection is based on identification information stored in a first memory as provided in control

information provided from the remote control system. Neither Ardalan nor Froelich, nor the combination of the two references teach a multiplexer that operates according to the above limitations.

Particularly, Froelich in Fig. 9 provides a schematic diagram of a “sign inverter” for recovering data modulated onto direct sequence spread spectrum signals using cyclic code shift keying (CCSK) modulation (see col. 3, Ins. 39-46). The present invention does not require a sign inverter for the purposes disclosed by Froelich. The sign inverter is used in correlators shown in Fig. 8. The correlators are used for recovering data from spread spectrum signals (see col. 3, Ins. 39-46).

Referring to col. 8, lines 5-13, the correlators correlate the incoming signal with a copy of a particular code phase of a PN sequence to form a product signal, wherein if the code phases are aligned the product signal is a DC signal having a value of “1”. A correlation then integrates the product signal over the symbol period to form a correlation output. Respectfully, it is submitted that the multiplexer of Froelich in no way teaches the recited elements in the claims for “selecting meterage information provided by a first utility meter from among said one or more utility meters, wherein said selection is based on identification information stored in a first memory as provided in control information provided from the remote control system, wherein said identification information comprises a first identifier identifying the subscriber, and a second identifier identifying a utility type used by the subscriber.” Accordingly, the claimed multiplexer of claims 1, 15, and 21 is distinguishable from that disclosed in Froelich.

Claims 10 and 30 are rejected under **35 U.S.C. §103(a)** as being unpatentable over Ardalan in view of Froelich, in further view of USPN 5,764,158 (Franklin). Respectfully, Franklin does not cure the deficiencies of Ardalan and Froelich in view of the amendment to the pending claims. That is, Franklin col. 6, Ins. 43-55 fails to teach or suggest a multiplexer for selecting meterage information provided by a first utility meter from among one or more utility meters, wherein said selection is based on identification information stored in a first memory as provided in control information provided from the remote control system.

In contrast, Franklin teaches use of “identification information” to “determine if a meter reading message is being received from a higher order node or from a lower order node.” (see col. 6, lns. 57-59) The present invention does not assign any priority to a node in a certain hierarchy. As such, the present invention as claimed is distinguishable from the systems disclosed in the cited references either alone or in combination.

Prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining the teachings.” *In re Sernaker*, 217 USPQ 1, 6 (Fed. Cir. 1983). Further, it is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Since obviousness may not be established by hindsight reconstruction or conjecture, Applicant invites the Examiner to point out the alleged motivation to combine with specificity,¹ or alternatively provide a reference or affidavit in support thereof pursuant to MPEP §2144.03.²

It is respectfully submitted that the cited prior art references cannot be combined to teach the claimed invention. Further, even if one is modified in accordance to the teaching of the other, the resultant modification would be an impractical or inoperable combination. There is no indication in the Office Action, how combination of the three cited references is possible, as each system is independently complex and cannot be easily modified to work with the other.

For the above reasons, the invention as recited in the amended claims 1, 15 and 21 is distinguishable over the references cited by the Examiner. Claims 2-14, 34; 16-19, 35; and 22-33, 36 respectively depending on claims 1, 15 and 21 should also be in condition for allowance by the virtue of their dependence on allowable base claims.

¹ *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

² “The rationale supporting an obviousness rejection may be based on common knowledge in the art or “well-known” prior art . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner . . . the facts must be supported, when called for by the applicant, by an affidavit from the examiner.”

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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